

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 08-0443 MMC

Plaintiff,

v.

EARL HARRELL SIMS, II

Defendant.


**ORDER SETTING HEARING ON
PETITION TO ADJUDICATE
OWNERSHIP OF FORFEITED FUNDS;
DIRECTIONS TO CLERK**

Before the Court is the Petition for Seized Property and Affidavit,¹ each filed November 13, 2009 by Kap Suk Sims ("Sims"), and by which Sims claims an ownership interest in certain funds ordered forfeited by the Court in the above-titled action. The Court construes said filings as a petition for a hearing to adjudicate the validity of Sims's alleged interest, pursuant to Title 21, United States Code, Section 853(n).

Accordingly, the Court hereby SETS a hearing on the above-referenced matter on Thursday, December 16, 2009 at 10:00 a.m. in Courtroom 7. See 21 U.S.C. § 853(n)(4) (providing "hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition").

IT IS SO ORDERED.

Dated: November 19, 2009


MAKINE M. CHESNEY
United States District Judge

¹Attached to the Affidavit are several exhibits comprising tax returns and bank records. Because the documents contain confidential information, the Clerk is hereby DIRECTED to file said exhibits under seal.